

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following discussion.

The Examiner has rejected claims 1-3, 6-21 and 23-27 under 35 U.S.C. §103(a) as being unpatentable over McClure et al in view of Nagaoka No. 5,476,588. The Examiner has objected to claims 4, 5 and 22 as being dependent upon a rejected base claim. Applicant has amended independent claims 1 and 10 to recite a downwardly inclined screen through the basin. McClure discloses a slightly sloped grading ramp 21 having grating bars 21' which are parallel to the direction of flow of fluid. McClure's grate does not incline downwardly through the basin and it would be contrary to McClure to do so as it would make it impossible to have a multi-stage filtration unit with a succession of chambers. Applicant's screen inclines downwardly and traverses a substantial length of the basin, achieving the same result as McClure but eliminating a succession of chambers within the basin. There is an obvious advantage to extending a full screen through the basin rather than supporting a partial screen on top of the basin in combination with the multiple filtration stages. Applicant's design will pass extremely high quantities of water while excluding small debris and requiring very little maintenance.

Independent claim 18 has been amended to include first and second discharge means for the removal of run-off as well as

reciting the downwardly inclined screen. The first and second discharge means insure removal of excess run-off, preventing overflow of the basin. The use of the downwardly inclining screen in combination with the basket prevents clogging within the basket which is certain to occur in the Morris patent. Morris would require maintenance after every storm as the basket would become readily plugged. The prior art does not teach first discharge means in a vertical wall or a second discharge means over an upper end of the basin. Finally, independent claim 23 has been amended to more clearly reflect applicant's invention. This includes filtration with a downwardly inclining screen within the basin as well as discharging of run-off through openings in a vertical wall of the basin. As set forth earlier, prior art does not render applicant's invention obvious.

It is now believed based on the amendments to independent claims 1, 10, 18 and 23 that all claims are in condition for allowance.

The Commissioner of Patents and Trademarks is hereby authorized to charge any additional claim fee which may be due to Deposit Account No. 18-0875.

It is therefore urged that the claims as now presented for consideration are in allowable condition and action to that end is courteously solicited. If any issues remain to be resolved, it is requested that the Examiner contact attorney for applicant at the telephone number listed below.



Respectfully submitted,

Ellen Reilly

By: Ellen Reilly
Registration No. 50,344
Attorney for Applicants
1554 Emerson Street
Denver, Colorado 8018
Area Code 303 839-8700

CERTIFICATE UNDER 37 C.F.R. 1.8

I hereby certify that the foregoing Amendment is being deposited with the United States Postal Service as first class mail in an envelope addressed to MAIL STOP: AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, this 15th day of June, 2005.

Mary L. Robertson